IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 36583 of 2005(E)

PETITIONER:

K.C.JACOB, KALARICKAL HOUSE,
HOUSE NO.18/1290, PALLURUTHY, KOCHI-6.

BY ADV. SRI.JOSHI N.THOMAS.

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY THE**
   CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DISTRICT COLLECTOR,**
   CIVIL STATION, KAKKANAD, ERNAKULAM.

3. **THE SPECIAL TAHSILDAR (RR),**
   KOCHI-1.

4. **THE VILLAGE OFFICER,**
   RAMESWARAM, KOCHI.

5. **K.C.TOMY, KALARICKAL HOUSE,**
   PALLURUTHY, KOCHI-6.

BY ADV. SRI.THOMAS CHAZHUKKARAN FOR R5,
GOVERNMENT PLEADER SMT. T.B. RAMANI FOR R1 TO R4.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007,ALONG WITH C.O.C. NO. 1099/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.36583/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTICE DTD. 21/04/2004 ISSUED BY THE R.3. TO THE PETITIONER.

EXT.P.2: COPY OF THE REPLY DTD. 30/04/2004 SUBMITTED BY THE PETITIONER TO THE R.3.

EXT.P.3: COPY OF THE ORDER DTD. 01/10/2004 IN W.P.(C). NO. 28815/04 OF THIS HONOURABLE COURT.

EXT.P.4: COPY OF THE STATEMENT DTD. 07/10/2004 FILED BY THE R.3. BEFORE THIS HONOURABLE COURT.

EXT.P.5: COPY OF THE REPORT DTD. 24/05/2005 FILED BY THE R.3. BEORE THIS HONOURABLE COURT.

EXT.P.6: COPY OF THE JUDGMENT DTD. 20/06/2005 IN W.P.(C). NO. 28815/2004 OF THIS HONOURABLE COURT.

EXT.P.7: COPY OF THE CLAIM PETITION DTD. 19/07/2005 FILED BY THE PETITIONER BEFORE THE R.3.

EXT.P.8: COPY OF THE STATEMENT DTD. 04/10/2004 FILED BY THE PETITIONER BEFORE THIS HONOURABLE COURT.

EXT.P.9: COPY OF THE ORDER DTD. 25/10/2005 IN W.A. NO. 1883/05 OF THIS HONOURABLE COURT.

EXT.P.10: COPY OF THE STATEMENT DTD. 18/11/2005 FILED BY THE R.2. BEFORE THIS HONOURABLE COURT.

EXT.P.11: COPY OF THE JUDGMENT DTD. 24/11/2005 IN W.A. NO. 1883/05 OF THIS HONOURABLE COURT.

ADDL.EXT.P.15: COPY OF THE ENCUMBRANCE CERTIFICATE DTD. 27/02/2006 ISSUED BY THE REGISTERING AUTHORITY, PUTHENCRUZ NO. 2087/06.

RESPONDENT'S ANNEXURES:

ANNEXURE A.I: COPY OF THE ORDER DTD. 02/01/2006 IN W.P.(C). NO. 36583/05 OF THIS HONOURABLE COURT.

W.P.(C). NO.36583/2005:

ANNEXURE-A-II: COPY OF THE COUNTER AFFIDAVIT FILED BY THE R.5. DTD. 07/02/2006.

ANNEXURE-A-III: COPY OF THE REPLY AFFIDAVIT DTD. 03/03/2006 ALONG WITH THE COPY OF ENCUMBRANCE CERTIICATE.

ANNEXURE-A-IV: COPY OF THE ORDER DTD. 13/03/2006 IN W.P.(C). NO. 36583/05 OF THIS HONOURABLE COURT.

ANNEXURE-A-V: COPY OF THE AFFIDAVIT FILED BY THE R.1. CHIEF SECRETARY TO GOVERNMENT OF KERALA.

ANNEXURE-A-VI: COPY OF THE ORDER DTD. 13/10/2006 IN CONTEMPT OF COURT CASE OF THIS HONOURABLE COURT.

ANNEXURE-A-VII: COPY OF THE AFFIDAVIT OF THE R.5. DTD. 10/11/2006 BEFORE THIS HONOURABLE COURT IN CONTEMPT OF COURT CASE NO. 1099/2006.

//TRUE COPY//

P.A. TO JUDGE

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.36583 OF 2005, I.A.No.8152/07
& Cont. Case No.1099 OF 2006

Dated this the 30th day of July, 2007

JUDGMENT

These matters are essentially between brothers. It is unfortunate that the petitioner in these matters was driven into such a situation by his brother. But with the passage of time, all Government dues have been satisfied by the 5th respondent in the writ petition and therefore, the matter has to be given a quietus.

2. Though I.A.No.8152/07 in W.P(C).36583/05 has been filed by making definite allegation of having filed a false affidavit, having regard to the totality of the facts and circumstances, I am not inclined to issue any further orders in that interlocutory application necessitating any action under the penal laws.

All proceedings in I.A.No.8152/07, in the writ petition and in the contempt case would stand terminated by this judgment.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.